

**FREDERICK COUNTY LIQUOR BOARD**  
**Public Meeting Minutes**  
**Monday, February 8, 2015**

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Those Present:        Mr. Dick Zimmerman, Chairman  
                             Mrs. Maggi Hays, Board Member  
                             Mr. Rick Stup, Board Member  
                             Mrs. Linda Thall, Sr. Asst. County Attorney  
                             Mrs. Kathy V. Dean, Administrator  
                             Mr. Harold DeLauter, Alcoholic Bev. Inspector  
                             Mr. Bob Shrum, Alcoholic Bev. Inspector  
                             Mrs. Penny Bussard, Administrative Specialist V  
                             Mrs. Ashley Sklarew, Administrative Specialist V

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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9:00 AM by Chairman Zimmerman.

Mrs. Dean called the first case on the Agenda Rube's Crab Shack. She asked if a representative was present for the hearing. Mrs. Dean stated it didn't appear that they were present she stated she would move forward with the next case.

1. Decision Required:        New Application

RE: Dick Fuster, Wendy Fuster, Geoffry Worthington  
for the use of 75-80 Enterprises LLC  
t/a Wilcom's Inn  
11234 Fingerboard Road  
Monrovia, MD 21770  
Class B, On Sale, Beer, Wine & Liquor

Mrs. Dean stated this is a new application it was a business that was existing, but closed, and starting a new application with new people. What is pending for this Applicant is Alcohol Awareness Certificate, The Occupancy and Zoning Permit. Trader License and the Inspectors Report. Mrs. Dean swore in the licensees, witnesses and anyone who wanted to testify (see sign-in sheet). Mrs. Thall asked if the Applicant could address the status of the pending items. The Applicant presented 5 certificate for Alcohol Awareness Training to Mrs. Dean. The Applicant stated the establishment will have their final walk through for their Occupancy Permit tomorrow. The Applicant stated he does not recall applying for a Traders License. Mrs. Thall asked if the Applicant had a projected opening date. The Applicant stated as soon as he and his partners get all of their permits in order they will open. They have done some tasting on menu items with small groups. Ms. Thall asked Inspector DeLauter if he has visited the location. Mr. DeLauter stated Monday, February 1, 2016 he was there at 9:44 am the Applicant met all the requirements of the Liquor Board. Mr. Zimmerman

asked if the Applicant had a Liquor License in the past. The Applicant stated that had previously had a License in Montgomery County in the Rio Shopping center in Gaithersburg, MD, but it didn't grow very well. This is his second attempt with a License. Mrs. Hays asked the Applicant when he plans to open his establishment. The Applicant stated around March 15, 2016. Mrs. Hays asked the Applicant when he estimated to have the pending item permits in place. The Applicant state he hopes within the week he just didn't know about the Traders License. Mr. Zimmerman asked if the Applicant had any Liquor violations in Montgomery County. Mrs. Dean stated that Montgomery County was able to locate the file for the past establishment. Mr. Zimmerman asked the Applicant if he planned to have outside dinning or piped in music in his establishment. The Applicant stated he was hoping to have outside seating but not initially but maybe later down the line. Mr. Zimmerman stated if he decides later on that he wanted outside seating that he would need to submit a request to the Liquor Board. Mrs. Dean asked what the seating capacity for the establishment was. The Applicant seated 80 seats. Mr. Stup stated that he didn't see a seating plan for the Applicant but suggested that he create a rough draft for outside for seating plan so the Board can have it on file and it will make it easier on the Applicant when he decides on outside seating. Mrs. Dean asked the Applicant if planned on having entertainment. The Applicant asked if he should submit a request for entertainment. Mrs. Dean stated the Applicant wanted to open his establishment on March 15, 2016, and that is during the Liquor board Renewal Period he has to be open on February 29, 2016 and order to get the Renewal he has to be in operation February 29, 2016. Mr. Stup stated he didn't see a monitoring plan in the Applicant's application package. The Applicant stated he would make the monitoring plan as part of his seat plan and submit it to the Board. Mr. Zimmerman stated the Board offers Able Training to the licensees every six months and encouraged the Applicant to take advantage of the class offering.

**MOTION:** Mr. Stup made a motion to grant conditional approval of the application until May 2, 2016 in accordance with the application and the Applicant's testimony, with the condition that a seating plan, entertainment, security/monitoring plan be submitted to the Board staff.

**SECOND:** Mrs. Hays second the motion.

**FURTHER DISCUSSION ON THE MOTON:**

There was no further discussion on the motion.

**VOTE:** Mrs. Hays-Aye  
Mr. Stup-Aye  
Mr. Zimmerman-Aye

2. Decision Required: Violation

RE: Robert L Harne Jr. & Robin L Harne  
for the use of Rube's Crab Shack, LLC  
t/a Rube's Crab Shake  
17308 N Seton Avenue  
Emmitsburg, MD 21727  
Class B, On Sale, Beer, Wine & Liquor  
License#: 11BL3208  
Case#: 8797

Mrs. Thall swore in the licensees, witnesses and anyone who wanted to testify (see sign-in sheet). Mrs. Thall stated The violation charge(s) are as followed 1.you failed to obtain approval from the Liquor Board for outside entertainment on May 17, 2015 in violation of the Frederick County Alcoholic Beverage Regulations §6.9. 2. You failed to appear at the hearing before the Board that was scheduled for Monday, January 11, 2016, in violation of the Frederick County Alcoholic Beverage Regulations, §4.0. The Licensee pleaded guilty to both the 1 & 2<sup>nd</sup> charges. The inspector's complaint was made part of the record. The licensee had a juke box on the outside patio that was not permitted by the Liquor Board. Mrs. Thall asked if the Licensee had any information that they wanted to present to the board on either charge. The Mr. Harne stated they have turned both speakers off. Ms. Harne stated that she came in to pay the fine for the first charge, and during that time she asked if she had to be present for the hearing. She stated she was told by the commission staff they were not sure, but Mrs. Dean would contact the board, and contact the licensee with the Liquor Boards response. The Ms. Harne stated Friday evening, January 8, 2016 Inspector Delauter came to the establishment and checked the establishment and he asked if they had paid their fine. Ms. Harne responded that she just paid the fine that day. The Ms. Harne asked the inspector does this mean that I still need to go to the hearing. Ms. Harne stated she was told no, she did not need to be at the hearing. The licensee left her cell phone at the restaurant and went home. Ms, Harne stated she never received a telephone call, and she assumed that she did not need to show for the hearing, because she paid the fine. Mrs. Dean stated she did attempt to call Ms. Harne to let her know she did not have an approval for the payment. Mrs. Hays asked if Mrs. Dean left a voicemail message for the licensee. Mrs. Dean stated that she did leave a voicemail message. Ms. Harne stated she doubled checked her cell phone, and there was no phone call or voice mail message left on her phone. Inspector Delauter stated he was under the understanding that the licensee did not have to appear for the hearing and he acknowledged that he did make the statement to the Licensee. Mrs. Hays stated that a warning letter was sent to the Licensee, and the Licensee had to pay the fine by a deadline date. The licensee paid the fine significantly well after the allowed deadline date. Mrs. Hays stated because the licensee did not follow the guidelines of the proscribed warning letter she missed the required date to pay the fine therefore she relinquished the option of not having a conference, which meant the licensee wanted to have a hearing so the board scheduled the hearing it does not mean the board did not want to accept her payment. Mr. Zimmerman asked Mrs. Dean if a check was tendered at the Liquor Commission office. Mrs. Dean stated that she told Ms. Harne that the board had to vote to accept the fine payment. Mr.

Zimmerman suggested that the licensee apply for an entertainment permit. Mr. Zimmerman asked if the licensee had anymore concerns that they wished to address. Ms. Harne stated they had this issue before. The Licensee has a band play once a month at the establishment and one neighbor complains continuously. It's just one neighbor that complains. Ms. Harne stated they have the support of the customers for them to get a permit for music. Mrs. Hays stated that the complainant's letter stated that things had been quiet since October 2014. The Licensee has entertainment permit for inside, but since they have received the complaint they have turned the juke box off completely. Mr. Zimmerman asked Mrs. Dean to list the prior history of the Licensee. The License was issued September 12, 2011 on November 5, 2012 there was a violation for failing to file renewal on time, failing to pick- up renewal license on time, and failing to appear for hearing before the Liquor Board a \$500.00 fine was paid. On May 17, 2013 the licensee failed to file renewal on time at \$650.00 fine was paid. On June 13, 2014 the licensee failed to pick up renewal on time and \$50.00 fine was paid. Mrs. Hays stated that the board did have a conference with the licensee on the specific stated items October 27, 2014. Mr. Stup, the board will amend it to go into the file. Mrs. Hays is concerned with the licensee failure to renewal their license in a timely manner. Mr. Zimmerman stated, because there appears to be two or more violations the MD state law requires that revocation or suspension of a license for 2 or more convictions within a period of 2 years is included in the motion. It does not mean it couldn't be suspended but it does have to be considered as part of what the Board recommendation as an appropriate sanction.

**MOTION:** Mr. Stup made a motion to assess a \$400 fine for the outside entertainment and \$100 administrative fee. \$100 for failure to appear, suspend and 2 week suspension suspend with 6 month probation concerning the outside entertainment.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION ON THE MOTON:**

There was no further discussion on the motion.

**VOTE:** Mrs. Hays-Aye  
Mr. Stup-Aye  
Mr. Zimmerman-Aye

3. Decision Required: License Transfer

RE: Michael Gary, Katherine Gray and Elizabeth Omenhiser  
For the use of Brewhouse LLC  
t/a Brew'd Pub  
5018 Old National Pike  
Frederick, MD  
Class B, On Sale Beer, Wine and Liquor

Mrs. Dean swore in the licensees, witnesses and anyone who wanted to testify (see sign-in sheet). Ms. Dean stated this is a transfer of an existing license an existing LLC with pending items which is the Alcohol Awareness, the final Contract of Sale and the inspectors report. Mrs. Dean swore in Applicants and anyone who wanted to testify (see sign-in sheet). Mrs. Thall asked, if the Applicant had taken Alcohol Awareness training. The Applicant stated he and 4 members of his staff have completed the training. The Applicant did not have the certificate on hand to provide the board with copies. The Applicant stated that the Contract of Sales will be completed as early as today. Mrs. Hays asked inspector DeLauter if has been out to inspect the establishment. Inspector DeLauter inspected the establishment on Friday, January 15, 2016 at 2:41 pm the establishment has met all the requirements as set by the Liquor Board Commission. Mrs. Hays, asked has anything changed outside from the previous owner. The Applicant stated things have remained the same. Mr. Zimmerman asked if the Applicant held a liquor license in any other jurisdiction. The Applicant responded no he has not. Mr. Stup wanted the Applicant to estimate the times that he would allow live entertainment in the establishment. Mr. Stup suggested that he amend his hours during the times of live entertainment.

**MOTION:** Mrs. Hays made a motion to approve.

**SECOND:** Mr. Stup seconded the motion with amended for operating hours and entertainment hours the Applicant is bound by their testimony and conditional approval was granted until May 2, 2016

**FURTHER DISCUSSION ON THE MOTON:**

There was no further discussion on the motion.

**VOTE:** Mrs. Hays-Aye  
Mr. Stup-Aye  
Mr. Zimmerman-Aye

The vote was unanimous. **Aye-3, Nay-0 (Motioned Passed)**

4. Decision Required: License Transfer

RE: Richard Belles  
For the use of Bodega Inc  
t/a Cellar Door  
5 East Church Street  
Frederick, MD 21701  
Class B, On Sale, Beer, wine and Liquor  
License#: 11BL1696

Ms. Dean, this is an existing establishment that is changing entities with pending formalities retail sales tax license, Occupancy Permit that shows new

ownership, Fire Marshal, The Bulk Transfer Permit, The Bulk Transfer Affidavit, and inspector's final report. Mrs. Dean swore in Applicants and anyone who wanted to testify (see sign-in sheet). The Applicant provided the board with a copy of the MD Sales & Use Tax License. The affidavit for the Bulk transfer was mailed to the Commission Board. Mrs. Dean stated there was a problem with the Retail Sales License the name of the License is incorrect the Incorporation name was missing from the License. Mrs. Thall asked about the status on the pending Occupancy and Fire Marshal Permits. The Applicant stated they have not been signed off on as of yet. Mrs. Dean stated that Bulk Transfer Permits are only issued on Fridays and it may not arrive to the commission office until Monday or Tuesday depending on the U.S Postal Services. Mrs. Hays asked inspector Shrum if he had visited the establishment. Inspector Shrum inspected the establishment on January 22, 2016 at 11:40 am. Inspector Shrum stated the Applicant met all requirements as prescribed by the Liquor Board. Mr. Zimmerman asked the Applicant if he planned to have entertainment. The Applicant stated that he did plan on having entertainment. Mr. Zimmerman stated the Applicant needs to submit an entertainment permit to the Liquor Board Commission. Mr. Stup stated he did not see a seating plan in the Applicants file. Mrs. Hays asked how many employees have been in Alcohol Awareness training. The Applicant responded that all will be trained.

**MOTION:** Mr. Stup made a motion for Conditional Approval for the application until May 2, 2016. The Applicants are bound by their testimony and application.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION ON THE MOTION:**

There was no further discussion on the motion

**VOTE:** Mrs. Hays-Aye  
Mr. Stup-Aye  
Mr. Zimmerman-Aye

The vote was unanimous. **Aye-3, Nay-0 (Motioned Passed)**

5. Decision Required: Transfer License

RE: Joseph G. May III, Victoria F May and  
Joseph G May IV  
For the use of May's Inc  
t/a Mays Restaurant  
5640 Urbana Pike  
Frederick, MD 21704  
Class B, On Sale, Beer, Wine & Liquor  
License#: 11BL 1022

Ms. Dean stated an ongoing business transfer is happening and the entity is staying the same with pending items of Stock certificates, Fire Marshal report, The Health Department report, pending Taxes that are due, and the Inspectors report. Mrs.

Dean swore in Applicants and anyone who wanted to testify (see sign-in sheet). Mrs. Thall asked the Applicant the status of the pending items needed. The restaurant has been closed since December 31, 2015. The Applicant has contacted the Fire Marshal and the Health Department to let them know the attempted date of reopening of February 14, 2016. The Applicant was told that the Fire Marshal and the Health Department will inspect once the Applicant's renovations are complete. Mrs. Dean Stated she notified the Applicant of the delinquent taxes and the Applicant are working on the issue to get it resolved. Mrs. Thall asked if Inspector Shrum if he has been to the establishment to inspect. Inspector Shrum stated he went to the establishment to inspect, however they were not ready for inspection. Inspector Shrum instructed Ms. Frye to contact him when the establishment was ready for final inspection. Mr. Zimmerman asked if they had piped music. The Applicant stated that he was going to submit an application for an entertainment permit to play music out back of the restaurant. Mr. Stup asked if the Applicant planned on piping music on the inside of the establishment and he had not seen a seating plan for the inside of the restaurant. Mr. Stup informed the Applicant to please inform the Liquor Commission if the seating plan and the security plan will be the same so it may be added to their application.

**MOTION:** Mr. Stup made a motion to grant Conditional Approval until May 02, 2016; the Applicants are bound by their testimony and application

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION ON THE MOTON:**

There was no further discussion on the motion.

**VOTE:** Mrs. Hays-Aye  
Mr. Stup-Aye  
Mr. Zimmerman-Aye

6. Decision Required: Transfer License

RE: Anthony Chhoun and James Byer  
For the use of Willowtree Liquors  
t/a Willowtree Liquor Inc  
5 Willowdale Drive  
Frederick, MD 21702  
Class B, On Sale, Beer, Wine and Liquor  
License #: 11AL 1293 SU

Mrs. Dean swore in the licensees, witnesses and anyone who wanted to testify (see sign-in sheet). Mrs. Dean stated this is an ongoing business transfer of ownership and entities with several items pending. The pending items are retail sales tax license, the lease modification dated 12/22/15 the Commission needs a signed copy of the lease, Workers Compensation license, Occupancy permit, Fire Marshal inspection report, Bulk Transfer permit, the Bulk Transfer

Affidavit, and the inspectors report. Mrs. Thall asked the Applicant if they could address the status of the pending items. The Applicant stated that all permits have been completed with the exception of Bulk Transfer permit. Mrs. Dean stated she spoke with the Applicants CPA and she went over the pending items list with him for everything that needs to be completed. Mrs. Thall asked about the status of the Occupancy & Use permit, Fire Marshal and the Inspectors report. The Applicant stated the Fire Marshal has been out to visit and the discrepancies have been corrected. Mrs. Thall asked Inspector Shrum had he been out to inspect the establishment. Inspector Shrum stated he inspected the establishment on January 16, 2016 at 10:00 pm the Applicant met all the requirements as set by the liquor Board. Mr. Zimmerman asked if the Applicant held a liquor license previously. Mrs. Dean stated that Mr. Chhonun and Mr. Byer are going to be the licensees for the establishment.

**MOTION:** Mr. Stup made a motion to grant Conditional Approval until May 2, 2016; and the Applicants are bound by their testimony and application.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION ON THE MOTON:**

There was no further discussion on the motion.

**VOTE:** Mrs. Hays-Aye  
Mr. Stup-Aye  
Mr. Zimmerman-Aye

7. **Minutes:** Review of Staff and Public meeting minutes for August 10, 2015 and August 31, 2015.

**MOTION:** Mr. Stup made a motion to approve Staff and Public Meeting Minutes for August 10, 2015 and August 31, 2015

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION ON THE MOTON:**

There was no further discussion on the motion.

**VOTE:** Mrs. Hays-Aye  
Mr. Stup-Aye  
Mr. Zimmerman-Aye

Meeting Adjourned

Respectfully submitted,

Kathy Dean, Administrator  
FREDERICK COUNTY LIQUOR BOARD

Prepared by Kendra Parker